

### **REMARKS/ARGUMENTS**

Claims 1 and 2-15 are in the application. Independent claims 1 and 7 have been amended to clarify that 1) the context information sent to recipients along with the notification of a process exception is "recipient-specific context information," which has support in at least paragraphs [23] and [53] of the specification; and 2) the local communication and infrastructure refers to the identified process being monitored, which has support in at least paragraphs [06] and [10] of the specification. Dependent claims 4, 6, 9 and 11-14 have been amended to incorporate changes corresponding to the changes in the independent claims. No new matter has been added.

Applicant apologizes for the oversight in the failure to file previously agreed upon amendments in the reply of August 14, 2008, and gratefully acknowledges the courtesy of Examiner Ouellette in granting a telephonic interview to Applicant's representative, Dr. Jon L. Roberts, on March 26, 2009. Applicant's Interview Summary is attached hereto.

### ***Claim Rejections - 35 USC 103***

#### ***Claims 1, 3-5, 7-10, and 12-15***

Claims 1, 3-5, 7-10, and 12-15 were rejected as being obvious in view of the published application of Arunapuram et al. Applicant traverses this rejection and incorporates by reference the arguments filed previously with regard to Arunapuram et al. on 27 March 2006, 01 December 2006, 24 August 2007, 11 March 2008 and 14 August 2008.

Independent claims 1 and 7 have been amended herein to clarify that the contextual information sent to a recipient is "recipient-specific contextual information" and that the monitored process is a specific "identified process" that is monitored over an alternative communication mechanism when a notification is not acknowledged. As discussed in the interview of March 26, 2009, it was agreed that amendments to the claims to particularly point out that a specifically identified process was to be monitored over an alternative communication mechanism when a message was not acknowledged,

together with notification to recipients of "recipient-specific contextual information" was not disclosed in Aranapuram et al. alone or in combination with other references of record.

*Non-Functional Descriptive Data – Claims 12-15*

Claims 12-15 further included rejection elements based upon alleged "nonfunctional descriptive data." However, Applicant respectfully submits that none of the claimed limitations fall within this category; in accordance with MPEP 2106.01, "nonfunctional descriptive material" includes, but is not limited to, music, literary works, and a compilation or mere arrangement of data. The category of rejection deals with non-statutory subject matter under 101, not an interpretation of claims under 35 USC 102/103 that says the limitation can be ignored, as done in the present Office action.

Further, the cases cited from the MPEP in the prior office action, specifically *Gulack* and *Lowry*, stand for the following:

"USPTO personnel must consider all claim limitations when determining patentability of an invention over the prior art. *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 403-04 (Fed. Cir. 1983). USPTO personnel may not disregard claim limitations comprised of printed matter. See *Gulack*, 703 F.2d at 1384, 217 USPQ at 403... USPTO personnel need not give patentable weight to printed matter absent a new and unobvious functional relationship between the printed matter and the substrate. See \*\* *Lowry*, 32 F.3d \*\*>at< 1583-84, 32 USPQ2d \*\*>at< 1035 \*\*, *In re Ngai*, 367 F.3d 1336, 70 USPQ2d 1862 (Fed. Cir. 2004)." MPEP 2106.01

While MPEP 2112.01 says non-functional printed matter cannot distinguish a product claim, **the present claims do not involve either printed subject matter or product claims.**

During the interview of July 31, 2008, Examiner Ouellette agreed to withdraw this ground of rejection, and Applicant respectfully requests withdrawal of the rejection as previously agreed.

*Claims 6 and 11*

Claims 6 and 11 were rejected as obvious over Arunapuram et al. in view of Delaney et al. However, Delaney et al. fails to cure any of the deficiencies of

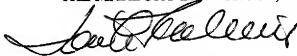
Arunapuram et al. with respect to independent claims 1 and 7 (as amended). As such, Applicant respectfully submits that claims 6 and 11 are allowable for the same reasons as claims 1 and 7.

***Conclusion***

For the reasons cited above, Applicant submits that claims 1 and 3-15 are in condition for allowance and requests reconsideration of the application.

Applicant notes the extended pendency of this utility application. As discussed with the Examiner, we welcome further interaction to finalize the allowable subject matter of the amended claims. If there remain any issues that may be disposed of via a telephonic interview, the Examiner is kindly invited to contact the undersigned at the local exchange given below. Alternatively, Applicant's counsel requests an interview on any remaining issues before any office action is issued.

Respectfully submitted,  
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